

Effective 5/14/2019

54-20-105 Innovative utility programs.

- (1) The commission may authorize, subject to funding available under Subsection 54-7-12.8(6)(b) (ii)(B), a large-scale electric utility to implement programs that the commission determines are in the interest of large-scale electric utility customers to provide for the investigation, analysis, and implementation of:
 - (a) an economic development incentive rate;
 - (b) a solar generation incentive;
 - (c) a battery storage or electric grid related project;
 - (d) a commercial line extension pilot program;
 - (e) a program to curtail emissions from thermal generation plant in the Salt Lake non-attainment area during a non-attainment event as defined by the Division of Air Quality;
 - (f) an additional electric vehicle incentive program incremental to the program described in Section 54-20-103;
 - (g) an additional clean coal program incremental to the program described in Section 54-20-104;
 - (h) an acquisition of electric infrastructure behind the large-scale electric utility's meter; and
 - (i) any other technology program.
- (2) The commission may review the expenditures made by a large-scale electric utility for a program described in Subsection (1) in order to determine if the large-scale electric utility made the expenditures prudently in accordance with the purposes of the program.
- (3)
 - (a) The commission may authorize a large-scale natural gas utility to implement and fund programs that the commission determines are in the public interest of large-scale natural gas utility customers to provide for the investigation, analysis, and implementation of:
 - (i) an economic development incentive rate;
 - (ii) research and development of other efficiency technologies;
 - (iii) an acquisition of nonresidential natural gas infrastructure behind the large-scale natural gas utility's meter;
 - (iv) the development of communities that can reduce greenhouse gases and NOx emissions;
 - (v) a natural gas renewable energy project;
 - (vi) a commercial line extension program; or
 - (vii) any other technology program.
 - (b) A large-scale natural gas utility proposing a program under this Subsection (3) shall, before submitting the program to the commission for approval, seek input from:
 - (i) the Division of Public Utilities;
 - (ii) the Office of Consumer Services; and
 - (iii) a person that files a request for notice with the commission.
 - (c) In determining whether a project is in the public interest, the commission shall consider the following factors:
 - (i) to what extent the use of renewable natural gas is facilitated or expanded by the proposed project;
 - (ii) potential air quality improvements associated with the proposed project;
 - (iii) whether the proposed project could be provided by the private sector or would be viable without the proposed incentives;
 - (iv) whether any proposed incentives were offered to all similarly situated potential partners and recipients; and
 - (v) potential benefits to ratepayers.

- (d) Upon commission approval, the commission may authorize the large-scale natural gas utility to allocate on an annual basis up to \$10,000,000 to a specific sustainable transportation and energy plan as described in Subsections (3)(a)(i) through (vii) or a specific natural gas clean air program as provided in Section 54-4-13.1.
- (e) A large-scale natural gas utility shall establish a balancing account that includes:
 - (i) funds allocated for projects that have been approved by the commission under Subsection (3)(a); and
 - (ii) a carrying charge in an amount determined by the commission.
- (4) The commission may review the expenditures made by a large-scale natural gas utility for a program described in Subsection (3) and approved by the commission in order to determine if the large-scale natural gas utility made the expenditures prudently in accordance with the purposes of the program.
- (5) The commission may authorize and establish funding for a conservation, efficiency, or new technology program in addition to the programs described in this chapter if the conservation, efficiency, or new technology program is cost-effective and in the public interest.
- (6) A large-scale electric utility or a large-scale natural gas utility that establishes and operates a natural gas clean air program described in Section 54-4-13.1, a sustainable transportation and energy plan under Section 54-7-12.8, or any plan or program under this chapter, shall submit a written report annually, on or before June 1, to the Public Utilities, Energy and Technology Interim Committee about each plan or program active during the previous calendar year, including status, operation, funding, disposition of funds, plan or program benefits, and the impact on rates.

Amended by Chapter 460, 2019 General Session